

**STATE OF MAINE  
DEPARTMENT OF MARINE RESOURCES**

**IN THE MATTER OF THE APPLICATION OF HOG )  
ISLAND SHELLFISH, INC. FOR RENEWAL OF AN )  
AQUACULTURE LEASE LOCATED IN THE )  
DAMARISCOTTA RIVER, NEWCASTLE, LINCOLN )  
COUNTY, MAINE )**

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND DECISION**

On February 9, 2004, Hog Island Shellfish, Inc. applied for the renewal of an aquaculture lease issued on July 12, 1994. The applicant requested a ten-year renewal, to July 11, 2014, of a 5.98-acre suspended and bottom culture lease located northeast of Perkins Point, in the Damariscotta River in Newcastle, Lincoln County, Maine.

Notice of the application for lease renewal was published in the June, 2004 issue of Commercial Fisheries News and the May 13, 2004 and May 27, 2004 issues of the Lincoln County News. Members of the public, riparians and interested persons were given to June 12, 2004 to request a hearing on the application for lease renewal. No comments or requests for a hearing on this application were received by the Department during the comment period.

Applications for aquaculture lease renewals are governed by 12 M.R.S.A. §6072(12) and Chapter 2.45 of the Department's rules, which provide that an aquaculture lease shall be renewed if the lessee has complied with the lease agreement during its term; the Commissioner determines that renewal of the lease is in the best interest of the state; the renewal will not cause the lessee to be a tenant of any kind in leases covering an aggregate of more than 250 acres; and the lease is not being held for speculative purposes.

The applicant has complied with the lease agreement during its term. In determining whether it is in the best interest of state to renew the lease, the Department takes into consideration, among other things, the potential for conflict with other new or existing uses of the area which the Commissioner determines to be a higher use of the area from the perspective of the public interest. There are no known conflicts with other new or existing uses of the area.

Additionally, the renewal of this lease will not cause the applicant to lease more than 250 acres. Finally, in determining whether the lease is being held for speculative purposes, the Department looks to whether substantially no aquaculture or research has been conducted on the lease site. The applicant has conducted aquaculture on the lease site during its term. Therefore, I find that the lease is not being held for speculative purposes.

Finally, in order for the Department to locate the lease site using modern location finding technology, i.e., Differential Global Positioning Systems, the lease description has been converted to Datum NAD83 and Degrees True. While the original site location shall remain the same, the following lease description shall replace the description set forth in the original lease document:

STARTING at the point Latitude 44°00'24.72"N, Longitude 69°32'41.92"W (datum NAD83/WGS84), and point of beginning; thence 28.5° True, a distance of 300 feet to corner B (44°00'27.32"N, 69°32'39.96"W); thence 310.5° True, a distance of 200 feet to corner C (44°00'28.60"N, 69°32'42.04"W); thence 310.5° True, a distance of 545 feet to corner D (44°00'32.10"N, 69°32'47.71"W); thence 208.5° True, a distance of 300 feet to corner E (44°00'29.50"N, 69°32'49.67"W); thence 130.5° True, a distance of 745 feet to corner A and point of beginning. (TRACT 1)

STARTING at the point Latitude 44°00'28.57"N, Longitude 69°32'48.16"W (datum NAD83/WGS84), and point of beginning; thence 208.5° True, a distance of 80 feet to corner B (44°00'27.88"N, 69°32'48.68"W); thence 310.5° True, a distance of 545 feet to corner C (44°00'31.38"N, 69°32'54.35"W); thence 28.5° True, a distance of 80 feet to corner D (44°00'32.07"N, 69°32'53.83"W); thence 130.5° True, a distance of 545 feet to corner A and point of beginning. (TRACT 2)

This new description sets forth the same boundaries of the original lease site, but is more precise and can be easily located through the use of modern technology.

### **Decision**

The Commissioner of Marine Resources grants the application of Hog Island Shellfish, Inc. for renewal of the 5.98-acre aquaculture lease located northeast of Perkins Point, in the Damariscotta River, Newcastle, Maine, for a period of ten years, to July 11, 2014. In the renewal of this lease, Hog Island Shellfish, Inc. is subject to the same terms, conditions, and obligations as set forth in the original lease.

**Dated:** \_\_\_\_\_

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**George D. Lapointe (Commissioner)**  
**Department of Marine Resources**